

The Appeals Process

Social Security wants to be sure that every decision made about your Social Security or Supplemental Security Income (SSI) claim is correct. We carefully consider all the information in your case before we make any decisions that affect your eligibility or your benefit amount.

If we decide that you are not eligible or no longer eligible for benefits, or that the amount of your payments should be changed, we'll send you a letter explaining our decision. If you don't agree with our decision, you can ask us to look at your case again. This is called an "appeal."

When you ask for an appeal, we will look at the entire decision, even those parts which were in your favor. If our decision was wrong, we will change it.

When And How To Appeal

If you wish to appeal, you must make your request **in writing within 60 days** from the date you receive our letter. We assume you receive the letter five days after the date on it, unless you can show us you received it later. Call your Social Security office if you need help with your appeal.

The Four Appeal Levels

There are four levels of appeal. They are: (1) reconsideration, (2) hearing by an administrative law judge, (3) review by the Appeals Council, and (4) federal court review.

When we send you a letter about a decision on your claim, we'll tell you how to appeal the decision.

Reconsideration

A reconsideration is a complete review of your claim by someone who didn't take part in the first decision. We will look at all the evidence submitted when the original decision was made plus any new evidence.

Most reconsiderations involve a review of your files without the need for you to be present. But when you appeal a decision that you are no longer eligible for disability benefits because your condition has improved, you have a choice of a file review or meeting with a Social Security representative to discuss your case. You can meet with a disability hearing officer and explain why you believe you still have a disability.

Continuation Of Benefits

In some cases, you may ask us to continue paying your benefits while we make a decision on your appeal. You can ask for this continuation of benefits when:

- you are appealing our decision that you are no longer eligible for Social Security disability benefits because your condition has improved, **or**
- you are appealing our decision that you are no longer eligible for SSI payments or that your SSI payment should be reduced.

If you want your benefits to continue, you must tell us **within 10 days** of the date you receive our letter. If your appeal is turned down, you may have to pay back any money you weren't eligible to get.

Hearing

If you disagree with the reconsideration decision, you may ask for a hearing. The hearing will be conducted by an administrative law judge who had no part in the first decision or the reconsideration of your case.

The hearing is usually held within 75 miles of your home. The administrative law judge will notify you of the time and place of the hearing.

You and your representative, if you have one, may come to the hearing and explain your case in person. You may look at the information in your file and give new information.

The administrative law judge will question you and any witnesses you bring to the hearing. You or your representative may also question the witnesses.

It is usually to your advantage to attend the hearing. If you don't wish to do so, you must tell us in writing that you don't want to attend. Unless the administrative law judge believes your presence is needed to decide the case, he or she will make a decision based on all the information in your case, including any new information given.

After the hearing, we will send you a letter and a copy of the administrative law judge's decision.

Review By The Appeals Council

If you disagree with the hearing decision, you may ask for a review by Social Security's Appeals Council. We'll be glad to help you ask for a review by the Appeals Council.

The Appeals Council looks at all requests for review, but it may deny a request if it believes the hearing decision was correct. If the Appeals Council decides to review your case, it will either decide your case itself or return it to an administrative law judge for further review. You will receive a copy of the Appeals Council's decision or order sending it back to an administrative law judge.

Federal Court Action

If you disagree with the Appeals Council's decision or if the Appeals Council decides not to review your case, you may file a lawsuit in a federal district court.

Your Right To Representation

Many people handle their own Social Security appeals with free help from Social Security. But you can choose a lawyer, a friend, or someone else to help you. Someone you appoint to help you is called your "representative." We will work with your representative just as we would work with you.

Your representative can act for you in most Social Security matters and will receive a copy of any decisions we make about your claim.

Your representative cannot charge or collect a fee from you without first getting written approval from Social Security. If you want more information about having a representative, contact Social Security. We can give you a free factsheet called *Social Security And Your Right To Representation* (Publication No. 05-10075).

For More Information

If you have questions about your right to appeal, call Social Security. Call our toll-free number, **1-800-772-1213**.

The Social Security Administration treats all calls confidentially—whether they're made to our toll-free numbers or to one of our local offices. We also want to ensure that you receive accurate and courteous service. That is why we have a second Social Security representative monitor some incoming and outgoing telephone calls.

Social Security Administration

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